

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JARMEL ANDERSON,

Petitioner,

No. 08-CV-10515-DT

vs.

Hon. Gerald E. Rosen

MARY K. BERGHUIS,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND
DISMISSING PLAINTIFF'S HABEAS CORPUS ACTION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on October 30, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the September 28, 2009 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Plaintiff's petition for a writ of habeas corpus and that this case, accordingly, be dismissed; and Petitioner having timely filed Objections; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Petitioner's Objections, and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's petition for habeas corpus relief should be denied; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's

Report and Recommendation of September 28, 2009 [Dkt. # 9] be, and hereby is, adopted by this Court.¹

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's petition for habeas corpus relief **Dkt. # 1]** be, and hereby is DENIED and the above-captioned case, therefore, is DISMISSED.

IT IS FURTHER ORDERED that for the reasons stated in the Report and Recommendation, the Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, the Court declines to issue a certificate of appealability or grant leave to proceed on appeal *in forma pauperis*. See Fed. R. App. Pro. 24(a).

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: October 30, 2009

¹ The Court adopts the R&R with two minor typographical corrections. The Court corrects page 5, line 1: the phrase "Respondent filed his objections" is corrected to read "Respondent filed her objections." Page 38, line 2 is similarly corrected: the phrase "errors in her trial" is corrected to read "errors in his trial."

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Andrew L. Shirvell, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Robert Jarmel Anderson, #352501, Earnest C. Brooks Correctional Facility, 2500 S. Sheridan Dr., Muskegon, MI 49444.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(313) 234-5137